

REMARKS

The Examiner objected to claims 1-10, 18-20 and 28-30.

The Examiner rejected claims 1-51 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response Applicants have amended the claims to clarify the invention.

The Examiner rejected claims 1-10 and 31-37 under 35 U.S.C. §101 allegedly because the claimed invention is directed to non-statutory subject matter.

The Examiner rejected claims 1-51 under 35 U.S.C. §102(a) as allegedly being anticipated by Moore (Dynamic Probes and Generalised Kernel Hooks Interface to Linux, 10/2000).

Applicants respectfully traverse the claim objections, and the §101 and §102 rejections with the following arguments.

Claim Objections

The Examiner objected to claims 1-10, 18-20 and 28-30 allegedly "because of the following informalities: Per claim 1, the phrase "after being read into memory needs to be corrected as "after said page is read into memory" for clarification. In claim 5, "is" needs to be deleted. Per claims 8, 18, and 28, the claims recite "the step of identifying." The word "detecting" needs to be used for consistency in connection with the parent claims 1, 11, and 21. As per claims 2-10, 19, 20, 29, and 30, these claims are objected for dependency on the above objected parent claims 1, 18, and 28."

In response, Applicants note that the objection to claim 1 is moot in light of the amendment of claim 1. In addition, Applicants have amended claim 5 in accordance with Examiner's suggestion.

However, Applicants do not consider the "identifying" claim language of claims 8, 18, and 28 to be in conflict with the "detecting" language recited in claims 1, 11, and 21, respectively. For example with respect to claim 8, the phrase "further including" makes it clear that the identifying step is an additional step not recited in claim 1 and not conflict with the detecting step of claim 1. Similar considerations apply to claims 18 and 28. If the Examiner disagrees with Applicants' analysis, Applicants would be most appreciative if the Examiner would explain the objection more clearly.

35 U.S.C. §101

The Examiner rejected claims 1-10 and 31-37 under 35 U.S.C. §101 allegedly because the claimed invention is directed to non-statutory subject matter.

The Examiner argues: "Claims 1-10 and 31-37 are non-statutory because they are directed to a 'method' without recitation of a computer or a computer-readable medium embodying the method. The claims merely recite a "method" that is disembodied arrangement so as to be called a "computer program" or compilation of facts, information, or data per se, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer (acts") or computer readable medium so as to enable the computer to perform the claimed steps of inserting/removing a global breakpoint, reading said page into memory, etc as recited."

In response, Applicants have amended claims 1-10 and 31-37 to recite use of a computer.

35 U.S.C. §102

The Examiner rejected claims 1-51 under 35 U.S.C. §102(a) as allegedly being anticipated by Moore (Dynamic Probes and Generalized Kernel Hooks Interface for Linux, 10/2000).

The extensive amendment of independent claims 1, 11, 21, 31, 38, and 45 have rendered as moot the rejection of claims 1-51 under 35 U.S.C. §102(a) over Moore. The amended independent claims are intended to reflect FIG. 2 of Applicants' patent application.

For example with respect to claims 1-10, Moore does not teach: "performing a first loop over the global breakpoints such that for each global breakpoint in the first loop: determining the page into which the global breakpoint is to be inserted, reading the page into memory if the page is not present in memory, and inserting the global breakpoint in the page present in memory".

As another example with respect to claims 1-10, Moore does not teach: "performing a second loop over the global breakpoints such that for each global breakpoint in the second loop: determining if a private copy exists for the page into which the global breakpoint is to be inserted, detecting the private copy if the private copy exists, reading the private copy into memory if the private copy exists and is not present in memory, and inserting the global breakpoint in the private copy present in memory".

Similar considerations apply to the remaining claims 11-51.

Therefore, Applicants respectfully contend that claims 1-51 are not anticipated by Moore under 35 U.S.C. §102(a), and that claims 1-51 are in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

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